

1  
2  
3  
4  
5 TERRACE ELLIS,  
6 Plaintiff,  
7 v.  
8 PHILLIPS AND COHEN ASSOCIATES,  
9 LTD.,  
Defendant.

Case No. 14-cv-05539-EJD

**ORDER TO SHOW CAUSE RE  
SETTLEMENT**

Re: Dkt. No. 122

10 The parties, having filed a Notice of Settlement on **September 12, 2016** (See Docket No.  
11 122), are ordered to appear before the Honorable Edward J. Davila on **October 13, 2016 at 10:00**  
12 AM in Courtroom No. 4, 5th Floor, United States District Court, 280 South First Street, San Jose,  
13 California, 95113, to show cause why the case should not be dismissed pursuant to Federal Rule  
14 of Civil Procedure 41(b). On or before **October 6, 2016**, the parties shall file a joint statement in  
15 response to the Order to Show Cause setting forth the status of settlement efforts as well as the  
16 amount of additional time necessary to finalize and file a dismissal.

17 The Order to Show Cause shall be automatically vacated and the parties relieved of the  
18 obligation to file a joint statement if a stipulated dismissal pursuant to Federal Rule of Civil  
19 Procedure 41(a) is filed on or before **October 6, 2016**.

20 All other pretrial deadlines and hearing dates **including pretrial and trial dates** are  
21 **VACATED** and any pending motions are TERMINATED.

22 Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss  
23 the action.

24 **IT IS SO ORDERED.**

25 Dated: 9/13/2016

  
26 EDWARD J. DAVILA  
United States District Judge